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EXAMINER

LAZARO, DAVID R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,182

Applicant(s)

MACHE ET AL.

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892).
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed 09/25/2006.
2. Claims 1-21 are pending in this office action.

Response to Amendment

3. Applicant's arguments filed 09/25/2006 have been fully considered but they are not persuasive. See Response to Arguments. Accordingly, the grounds of rejection as presented in the June 23, 2006 office action are respectfully maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,740,230 by Vaudreuil (Vaudreuil) in view of U.S. Patent 5,958,005 by Thorne et al. (Thorne).
6. With respect to Claim 1, Vaudreuil teaches a system for transmitting messages over a multimedia network from a sending client to a target client, the messages comprising target client information (Col. 1 lines 52-58), the system comprising:

a plurality of message gateways (Col. 7 lines 52-65), each message gateway being configured to receive and transmit over at least one dedicated transfer medium (Col. 7 lines 54-59 and Col. 3 line 66 – Col. 4 line 20), and

a message broker (Col. 7 line 65 – Col. 8 line 1; note the examiner is interpreting the 'remainder of the software system' on the hub to be the message broker) connected to the message gateways (Col. 7 line 65- Col. 8 line 1) and being provided with a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65),

wherein a first message gateway receives a message in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client over a first transfer medium (Col. 10 lines 37-41 and Col. 12 lines 21-36) and transmits the message and/or an information extracted thereof to the message broker, the message broker automatically selects an appropriate second transfer medium depending on the content of the client database and the supplied message and/or an information extracted thereof (Col. 15 lines 13-20 and Col. 19 lines 49-56), and the message is sent in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client by means of a second message gateway configured for a transmission over the second transfer medium selected by the message broker (Col. 6 lines 46-65), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Vaudreuil and modify it as indicated by Thorne such that messages include meta information containing a plurality of different fields, one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this as there is need for controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne).

7. With respect to Claim 2, Vaudreuil d further teaches wherein a common internal message format is used for the communication respectively between the message broker and the message gateways (Col. 6 line 65 – Col. 7 line 9 and Col. 13 lines 2-15 and Col. 19 lines 36-48 of Vaudreuil)

8. With respect to Claim 3, Vaudreuil further teaches the message gateways are distributed over the network (See Fig. 1 of Vaudreuil – note gateways are part of the hub functionality).

9. With respect to Claim 4, Vaudreuil further teaches the transfer media comprise analog and digital transfer media (Col. 7 lines 49-60 of Vaudreuil).

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10. With respect to Claim 5, Vaudreuil further teaches at least one message processor provided between the first and the second message gateway for further processing the content of the message to be transmitted (Col. 19 line 66 – Col. 20 line 8 of Vaudreuil).

11. With respect to Claim 6, Vaudreuil further teaches the client database comprises addresses of clients (Col. 21 lines 41-46), client preferences (Col. 20 lines 9-11) and/or characteristics of the transfer network to the corresponding target client (Col. 20 lines 11-12 of Vaudreuil).

12. With respect to Claim 7, Vaudreuil further teaches the message broker is designed to furthermore perform processing control (Col. 8 lines 22-65 of Vaudreuil) and/or security processing (Col. 28 lines 63-67 of Vaudreuil).

13. With respect to Claim 8, Vaudreuil further teaches the message broker is designed to furthermore perform accounting and/or billing (Col. 9 lines 61-65 of Vaudreuil).

14. With respect to Claim 9, Vaudreuil further teaches a plurality of message brokers is provided (See Fig. 1 of Vaudreuil – note message brokers are a part of hub functionality).

15. With respect to Claim 10, Vaudreuil in view of Thorne teaches all the limitations of Claim 9 and further teaches at least one message broker being connected with a client database with reduced capacity (Col. 7 lines 61-65 and Col. 8 lines 65-67 of Vaudreuil).

16. With respect to Claim 11, Vaudreuil in view of Thorne teaches all the limitations of Claim 1 and further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

17. With respect to Claim 12, Vaudreuil teaches a message broker unit for a distributed multimedia system, wherein the unit is designed to autonomously select an appropriate transfer medium out of a plurality of transfer media for messages received in a first format (Col. 19 line 20 - Col. 20 line 21) from a sending client and to be transferred to a target client (Col. 4 lines 46-49 and Col. 19 lines 49-57) in a second format (Col. 19 line 20 - Col. 20 line 21), wherein the message broker (Col. 6 lines 46-48) is connected to a client database (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the transfer medium selection is performed depending on target client information and the content of the client database (Col. 20 lines 9-12 and Col. 6 lines 55-59), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the message broker unit disclosed by Vaudreuil and modify it as indicated by Thorne such that messages include meta information containing a plurality of different fields, one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. One would be motivated to have this as there is need for controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne).

18. With respect to Claim 13, Vaudreuil further teaches the transfer medium selection is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil)

19. With respect to Claim 14, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

20. With respect to Claim 15, Vaudreuil teaches a method for sending messages over a multimedia network from a sending client to a target client, the message comprising target client information (Col. 1 lines 52-58), the method comprising the following steps:

transmitting the message in a first format (Col. 19 line 20 - Col. 20 line 21) from the sending client to a message broker (1) over a first transfer medium (Col. 6 lines 46-48), and

transmitting the message in a second format (Col. 19 line 20 - Col. 20 line 21) to the target client over a second transfer medium, wherein the second transfer medium can be identical to the first transfer medium (Col. 5 lines 60-66),

wherein the message broker selects an appropriate second transfer medium out of a plurality of transfer media depending on the content of a client database (Col. 19 lines 49-56) connected to the message broker (Col. 8 lines 46-51 and Col. 9 lines 61-65) and the target client information (Col. 19 lines 49-56 and Col. 20 lines 9-12), and

wherein messages include meta information containing a plurality of different fields (Col. 24 lines 24-52 - Particularly the labeling feature, and Col. 26 line 31 - Col. 27 line 15 - Particularly the "subject matter field" and the "message content type" field),

wherein the message broker controls the message flow by inspecting the meta information of the messages (Col. 24 lines 24-52 and Col. 26 line 31 - Col. 27 line 15).

Vaudreuil does not explicitly disclose one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. Thorne teaches meta information related to a message can include a secure read count and a maximum read count which limit the maximum reads of the message (Col. 8 lines 1-20 and Col. 11 lines 5-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil and modify it as indicated by Thorne such that messages include meta information containing a plurality of different fields, one of the fields being a secure read count and a maximum read count value limiting the maximum reads of the message. One would be motivated to

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have this as there is need for controlling the circulation and usage of messages (Col. 2 lines 45-56 of Thorne).

21. With respect to Claim 16, Vaudreuil further teaches the transmission of the message from the sending client to the target client is performed essentially in real-time (Col. 24 line 63 – Col. 25 line 3 of Vaudreuil).

22. With respect to Claim 17, Vaudreuil further teaches a conversion from the first transfer medium to the second transfer medium is performed depending on the target network (Col. 6 lines 55-59 of Vaudreuil), the message type (Col. 20 lines 9-12 of Vaudreuil) and/or client preference contained in the client database (Col. 19 lines 49-56 of Vaudreuil).

23. With respect to Claim 18, Vaudreuil further teaches before the transmission to the target client, the content of the message is further processed by digital signing, encryption, watermarking and/or translation (Col. 32 lines 57-64 and Col. 28 lines 63-67 of Vaudreuil).

24. With respect to Claim 20, Vaudreuil further teaches the messages respectively contain a non-granted encrypted and a granted non-encrypted part (Col. 28 lines 63-67 of Vaudreuil).

25. With respect to Claim 21, Vaudreuil further teaches that when loaded into a computer, it implements a method according to Claim 15 (Col. 7 lines 47-49 of Vaudreuil and Please refer to Claim 15 rejection).

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26. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaudreuil in view of Thorne as applied to claim 15 above, and further in view of U.S. Patent 6,163,796 by Yokomizo (Yokomizo). Vaudreuil in view of Thorne teaches all the limitations of Claim 15 but does not explicitly disclose a lifetime is attributed to each message and transmitting the message only during that lifetime. Yokomizo teaches a message can have a lifetime attributed to it (Col. 6 lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Vaudreuil in view of Thorne and modify it as indicated by Yokomizo such that a lifetime is attributed to each message and the message is only transmitted until the expiration of the lifetime. One would be motivated to have this as this provides better efficiency in the messaging system (Col. 2 lines 5-9 of Yokomizo).

Response to Arguments

27. Applicant's arguments filed 09/25/2006 have been fully considered but they are not persuasive.

28. Applicant argues on page 3 of the remarks - "*However, it is respectfully submitted that Thorne only describes a field defining a number of readings enabled, i.e. the number of times that the recipient will be allowed to display the message. This single field is not equivalent to the secure read count and maximum read count values recited in Claim 1.*" Applicant describes that this combined use "*ensures that the message will not be read more than the number of times defined in the maximum read count field*". Applicant further states as part of an example that "*it will only be possible to read said message five times during the whole life of the message. On the other*

hand, Thorne only describes appending to the message a field defining the number of allowed readings. In the above example of five allowed readings, the apparatus described by Thorne makes it possible for a first recipient of the message to read the message four times and then forward said message to a further recipient that will again be allowed to read said message up to five times."

a. Examiner's response - Applicant states in the remarks that "*Thorne only describes appending to the message a field defining the number of allowed reads.*" Applicant's explanation of the claim language states that the use of the secure read count and maximum read count values "*ensures that the message will not be read more than the number of times defined in the maximum read count field*". It would seem that applicant's own remarks places the teachings of Thorne within the same scope of the claimed subject matter. Based on these remarks, the examiner does not see how the claim language is distinguished from the Thorne teachings. While applicant tries to distinguish the invention by referring to the "whole life of the message", the examiner notes that the claims do not state anything regarding a "whole life" of the message in question. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

b. Furthermore, it is not clear as to what one would consider a "whole life" of a message to be. When one forwards a message, it is only a copy of the originally message. Therefore, from a technically point of view, the forwarded message is not the original message. So even considering applicant's interpretation of the claim and of Thorne's teachings, Thorne would still limit the

maximum number of reads for the whole life of the original message, as a forwarded message would be a "life" of another message.

c. However, applicant has not provided any evidence that Thorne would behave in the way applicant has asserted. Nowhere in Thorne does it state that it would be possible *"for a first recipient of the message to read the message four times and then forward said message to a further recipient that will again be allowed to read said message up to five times"*.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro
November 15, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER